2-00 P. M.

THE MYSORE URBAN WATER SUPPLY AND DRAINAGE BOARD BILL, 1973

CONSIDERATION OF CLAUSES
(DEBATE *Contd.*)

CLAUSE 15

MADAM SPEAKER: Sri T. R. Shamanna may move his Amendment.

SRI T. R. SHAMANNA (Fort) I beg to move :

"That at page 11, after sub-clause (*c*), the following proviso shall be added :

Provided that the defects or irregularities of the Board are contrary to rules and regulations of the Board."

MADAM SPEAKER: Amendment moved :

"That at page 11, after sub-clause (*c*), the following proviso shall be added :

Provided that the defects or irregularities of the Board are contrary to rules and regulations of the Board."

‡SRI T. R. SHAMANNA : The purpose of the above amendment is that vast powers have been taken by Government to remove a Director at any rate without giving any reasons Under such circumstances, want only the Government may remove some of the Directors and therefore certain acts can be effective only if the other has taken place contrary to the Section of the proposed Bill. I have stated the *proviso.* is necessary because the Minister uses his discretion for his own personal reason which will be irregular and I therefore wanted that the proviso be included.

SRI B. BASAVALINGAPPA : I do not accept this Amendment mainly on the ground that this is a Saving Clause in the Act. In every enactment, we find such Saving Clause and for acts of irregularities of such member, we cannot invalidate the whole proceedings and the acts undertaken by the Board. Therefore sufficient safeguard is provided and I think the Hon'ble Member may kindly withdraw his amendment.

MADAM SPEAKER : The question is :

" That at page 11 after sub-clause (c) the following proviso shall be added :

Provided that the defects or irregularities of the Board are contrary to rules and regulations of the Board."

The amendment was negatived

MADAM SPEAKER.—I will put the Clause 15 to vote of the House. The question is :—

" That Clause 15 do stand part of the Bill"

The Motion was adopted

Clause 15 was added to the Bill

CLAUSE 16

MADAM SPEAKER —I will put Clause 16 to vote. The question is :

" That Clause 16 do stand part of the Bill."

The Motion was adopted

Clause 16 was added to the Bill.

CLAUSE 17

MADAM SPEAKER :— Shri T. R. Shamanna may move his Amendment.

SRI T. R. SHAMANNA :— I beg to move ;

"That at page 11, in sub-clause (a) for the word 'or' the words "in consultation" shall be substituted;

That at page 11, after clause 17 the following new caluse as 17 A shall be inserted :

1 . A The Board shall have power to recommend to the Government to constitute Local Boards for particular towns and cities to work schemes under the guidance of the Board."

MADAM SPEAKER :- Amendment moved :

"That at page 11, in sub-clause (a) for the word 'or' the words" in consultation with" shall be substituted.

That at page 11, after Clause 17 the following new caluse as 17 A shall be inserted :

17-A. The Board shall have power to recommend to the Government to constitute Local Boards for particular towns and cities to work schemes under the guidance of the Board."

SRI T. R. SHAMANNA :— In Clause 17, Other Functions of the Board have been mentioned. I have stated in my amendment that for the word "or" in sub-clause (a), "in consultation with" shall be substituted so that the Government may give instructions after giving intimation to the Local Board regarding the proposed instructions of the Government. The Govern-

(Sri T. R. Shamanna)

ment may *sou moto* pass orders. Therefore, I have moved an amendment that "in consultation with ' shall be substituted.

The second amendment is to insert a new Clause as 17-A. The proposed Mysore Urban Water Supply and Drainage Board is applicable to the whole State and it may not be possible for this Board to attend to in detail all the towns and cities that may come under the purview of this proposed Bill. I therefore suggest that a Local Board be appointed to work under the guidance of the main Board so that the Local Board may concentrate and get the work properly done and to give proper instructions according to the local needs. It is with that in view that I want a proviso to be added. Therefore it is only in such cases where the local body wants to meet the needs of the locality a separate sub-Board be constituted. I request the Hon. Minister to accept the amendments.

SRI B. BASAVALINGAPPA:—I do not accept this amendment because the intention of the amendment is against the very spirit of the Bill. We cannot go on appointing local boards in every town municipality or every other area. This Board is competent to take charge of the needs of all the towns and cities as the case may be.

MADAM SPEAKER.—I will put the amendment to the vote of the House.

The question is :

(i) That at page 11, in sub-clause(a) for the word 'or' the words 'inconsultation with'shall be substituted.

(ii) That at page 11, after clause 17, the following new clause as 17A shall be inserted :

"17A. The board shall have power to recommend to the Government to constitute Local Boards for particular towns and cities to work schemes under the guidance of the Board."

The amendment was negatived

MADAM SPEAKER.—I will now put the clause to the vote of the House.

The question is :

That clause 17 stand part of the Bill.

The motion was adopted

Clause 17 was added to the Bill

Clause 18

SRI T. R. SHAMANNA.—I beg to move :

"That at page 12, item (i) shall be deleted.

"That at page 12 after item V the following proviso shall be added :

"Provided that the local body has given consent to the investigation, preparation and execution of the scheme."

MADAM SPEAKER : Amendment moved :

"That at page 12, item (i) shall be deleted.

"That at page 12 after item V the following proviso shall be added :

"Provided that the local body has given consent to the investigation, preparation and execution of the scheme."

SRI T. R. SHAMANNA.—In section 18 general powers of the Board has been given. In that section, the Government has got powers to order the Board to take up any particular work. The board has got discretion to take up works according to its needs. The final beneficiaries are the local bodies: Further more, the local bodies have to bear the expenditure of any work. Therefore, I strongly urge that before any work is taken up the local authority has to be consulted because they are the beneficiaries and they are the persons to bear the full expenditure on account of that. Therefore it is better that the local body is consulted before work is taken up. It is for that purpose that I want to add the proviso as proposed.

SRI B. BASAVALINGAPPA.—The previous provision which has just now been adopted makes provision for this also. If the amendment is accepted, the Board cannot function. Therefore, I request the Hon. Member to withdraw the amendment.

MADAM SPEAKER.—I will now put the amendment to the vote of the House. The question is :

"That at page 12, item (i) shall be deleted.

"That at page 12 after item V the following proviso shall be added :

"Provided that the local body has given consent to the investigation, preparation and execution of the scheme."

The motion was negatived

MADAM SPEAKER :—I will now put the clause to the Vote of the House. The question is :

"That clause 18 do stand part of the Bill."

The motion was adopted

Clause 18 was added to the Bill.

Clause 19

MADAM SPEAKER:—There is no amendment. I will put the clause. The question is:

"That clause 19 do stand part of the Bill."

The Motion was adopted

Clause 19 was added to the Bill.

Clause 20

MADAM SPEAKER:—There are amendments by Sri M. S. Krishnan to clauses 20 to 24 put the Hon. Member is not present. I will therefore put the clause to the Vote of the House:

The question is:

"That clause 20 do stand part of the Bill."

The motion was adopted

Clause 20 was added to the Bill.

Clause 21

MADAM SPEAKER:—I will put clause 21 to the Vote of the House.

The question is:

"That clause 21 do stand part of the Bill."

(Madam Speaker)

The motion was adopted.

Clause 21 was added to the Bill.

Clause 23 and 24.

MADAM SPEAKER: - I will put both the clauses to the vote of the House. The question is:

"That clauses 23 and 24 do stand part of the Bill."

The motion was adopted

Clauses 23 and 24 were added to the Bill.

Clause 25

SRI T. R. SHAMANNA :—I beg to move:

"That at page 15, the following proviso shall be added to the clause.

"Provided that before passing such order as contemplated in the above section give notice to the concerned local body that the Government would pass the necessary order it the local body fails to give proper explanation within thirty days from the date of the notice."

MADAM SPEAKER :—Amendment moved:

"That at page 15, the following proviso shall be added to the clause:

"Provided that before passing such order as contemplated in the above section give notice to the concerned local body that the Government would pass the necessary order if the local body fails to give proper

explanation within thirty days from the date of the notice."

† SRI T. R SHAMANNA :—Under section 25 Government has taken power to pass orders that a particular work or scheme be taken up in respect of a particular local body. The local body is a statutory body which exists to carry out the works needed for the town or the city where it is functioning. If Government takes up this power, according to the whims and fancies of the Government, they may pass orders. Particularly when political favouritism is being shown, in a particular area works may be taken and on other areas, they may not be taken up. This clause gives power to the Government to direct the Board to prepare a scheme, to execute a particular work or to undertake investigation. To see that the autonomy of the local body is retained and with a view to give ample opportunity to the local body to explain its position, it is better that a notice is given first and 30 days time is given to the local body to give its explanation and if the explanation is not satisfactory, then Government may pass its order. Under these circumstances, I have tried to include a provision that before passing such an order as contemplated in this section, the local body concerned may be given notice in the first instance, and a time of 30 days is given to it to explain and if the local body fails to give proper explanation within 30 days, from the date of the notice, then Government can pass its order.

Sri B. BASAVALINGAPPA.—I do not accept this amendment, because, if we accept this amendment, it will be delaying the taking up of schemes whether it is investigation or execution. I therefore request him to withdraw the amendment.

MADAM SPEAKER :—I will put the amendment to the vote of the House.

(Madam Speaker)

The question is:

"That at page 15 the following proviso shall be added:

> " Provided that before passing such order as contemplated in the above section give notice to the concerned local body that the Government would pass the necessary order if the local body fails to give proper explanation within thirty days from the date of the notice."

The amendment was negatived.—

MADAM SPEAKER :—I will now put the clause to the vote of the House.

The question is:

"That Clause 25 do stand part of the Bill."

The motion was adopted.—

Clause 25 was added to the Bill.

Clause 26

MADAM SPEAKER.—There is an amendment by Sri M. S. Krishnan who is not here. There is another amendment by Sri T. R. Shamanna. He may move it.

SRI T. R. SHAMANNA.—(36) I beg to move :

'That at page 16, at the end of sub-clause (1) the following shall be added : —

> "The Board if it refused to prepare and execute the scheme shall give necessary explanation to

the Local Authority as to why the scheme is not feasible."

MADAM SPEAKER. Amendment moved :

"That at page 16, at the end of sub-clause (1) the following shall be added :

" The Board if it refused to prepare and execute the scheme shall give necessary explanation to the local Authority as to why the scheme is not feasible."

SRI T. R. SHAMANNA.—Clause 26 proposed by the Hon. Minister in this particular bill, gives omnibus power to the Government. The Board may agree or refuse to prepare and execute a scheme proposed by a local authority. To see that a particular work which is in the interest of the local authority and which is in the interest of a city or town and which is proposed by a local authority is done and not arbitrarily refused, I have asked in my amendment that the Board, if it refused to prepare and execute the scheme, should give proper explanation to the Local Authority as to why its scheme is not feasible. It is absolutely necessary for the Board to furnish that explanation to the local authority. As this is not a controversial amendment, I request the Hon. Minister to accept it.

SRI B. BASAVALINGAPPA :—This amendment is also not acceptable because Government has taken ample powers to meet such contingencies. If the Board refuses to execute a scheme and if Government is satisfied that such a scheme is necessary, Government can order investigation and execution of that particular scheme turned down by the Board.

MADAM SPEAKER.—The question is :

"That at page 16, at the end of sub-clause (1) the following shall be added :—

"The Board if it refused to prepare and execute the scheme shall give necessary explanation to the Local Authority as to why the scheme is not feasible."

The amendment was negatived

MADAM SPEAKER.—The question is :

" That clause 26 do stand part of the Bill "

The motion was adopted

Clause 26 was added to the Bill

Clause 27

MADAM SPEAKER : The question is :

" That clause 27 do stand part of the Bill."

The motion was adopted

Clause 27 was added to the Bill

Clause 28

MADAM SPEAKER : There is an amendment to Clause 28. The member may move the amendment.

SRI T. *R.* SHAMANNA : Madam, I beg to move :

" That at page 16, for clause 28, the following clause shall be substituted :

"A Local Authority if it decided to take up and execute a new scheme, may consult the Board as to the feasibility and execution of the Scheme.

MADAM SPEAKER : Amendment moved :

" That at page 16, for clause 28, the following clause shall be substituted :

" A Local Authority if it decided to take up and execute a new Scheme may consult the Board as to the feasibility and execution of the Scheme."

†SRI T. R. SHAMANNA : Clause 28 says that no local authority shall prepare or execute any scheme without the approval of the Board and if the cost of the scheme exceeds *Rs.* 50,000' the Board cannot give approval to it. It must be remembered that the lolal bodies are autonomous bodies and if the local body itself is prepared to take up a scheme and execute it, why should the Board come in its way ? Does the Government think that all local bodies are incompetent to investigate and execute schemes on their own ? If a local authority feels incompetent to execute a scheme and approaches the Board to investigate and prepare a scheme, then it may refuse to execute it. It must also be noted that any work that is to be executed by the Board will be expensive because the overhead charges are always heavy. I have no objection to the Local Authority consulting the Board as to the feasibility and execution of the scheme. Let the Board be only a consultative machinery. I request that my amendment may be accepted.

SRI B. BASAVALINGAPPA :—I do not accept this amendment because this restriction on the local authorities is necessary. The Municipalities do not have technical assistance ; whereas this Board will have technical assistance. The Board has to provide technical assistance to the local bodies.

MADAM SPEAKER : The question is :

" That at page 16, for clause 28 the following clause shall be substituted :

(Madam Speaker)

"A Local Authority if it decided to take up and execute a new scheme' may consult the Board as to the feasibility and execution of the Scheme."

The amendment was negatived

MADAM SPEAKER : The question is :

"That clause 28 do stand part of the Bill."

The motion was adopted

Clause 28 was added to the Bill

Clause 29

MADAM SPEAKER : The question is :

"That clause 29 do stand part of the Bill".

The motion was adopted

Clause 29 was added to the Bill

Clause 30

SRI T. R. SHAMANNA : Madam, I beg to move .

"That at page 18, after clause 30, at the end of the clause the following words shall be added :

"The Board may through the State Government apply and get Central assistance in the form of grant, loan or subvention."

MADAM SPEAKER : Amendment moved :

"That at page 18, after clause 30, at the end of the clause the following words shall be added :

"The Board may through the State Government apply and get Central assistance in the form of grant, loan or subvention."

†SRI T. *R.* SHAMANNA —The Board has to function for the benefit of the whole State except Bangalore City. As has often been stated by the Hon. Minister, crores will be spent by the Government for providing facilities to urban areas For this purpose, the Government may make subventions, grants and grant loans to the Board or local authority. For this purpose I have suggested in my amendment that the Board may apply for Central assistance. For instance, Mangalore will have a major port and Central interest will necessarily be in it. If some schemes are to be taken in connection with it by the Board, Central assistance may have to be asked. Under those circumstances, the Board may recommend to the Government to obtain Central assistance for such particular work in the interest of the State. After all, this is a non-contraversial clause and the Hon. Minisrer may kindly accept it.

SRI B. BASAVALINGAPPA :—My friend Sri Shamanna has not moved any amendment to Clause 29 dealing with Board's funds. He has accepted clause 29 as it is. In view of that, I cannot accept this amendment.

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MADAM SPEAKER:—I will put it to the vote of the House. The question is :

"39. That at page 18, after clause 30 the following words shall be added :

The Board may through the State Government apply and get Central assistance in the form of grant, loan or subvention."

The amendment was negatived

MADAM SPEAKER :—*I* will put the clause to the vote of the House. The question is :

"That Clause 30 do stand part of the Bill."

The motion was adopted

Clause 30 was added to the Bill

Clause 31

MADAM SPEAKER:—I will put Clause 31 to the vote of the House. The question is :

"That clause 31 do stand part of the Bill"

The motion was adopted

Clause 31 was added to the Bill

Clause 32

SRI T. R. SHAMANNA:—I beg to move the following amendment:

"That at page 19, after clause 32, the following new clauses as 32 A shall be added :

32 A. The Board shall arrange for the redemption of debentures and loans by creating necessary sinking fund or other funds for redeeming the loans and debentures.

MADAM SPEAKER.—Amendment moved

"That at page 19, after clause 32, the following new clause as 32 A shall be added :

32 A. The Board shall arrange for the redemption of debentures and loans by creating necessary sinking fund or other funds for redeeming the loans and debentures."

SRI T. R. SHAMANNA: —It is only an enabling cause. A sinking fund has to be created and arrangements made for redemption of debentures and loans, and so, I have suggested this amendment.

SRI B. BASAVALINGAPPA:—These are provided under clause 38. The Hon. Member should have read the entire Bill comprehensively. Piece-meal reading has led to all these amendments. I do not accept his amendment.

MADAM SPEAKER.—I will put the amendment to the vote of the House. The question is:

"That at page 19, after clause 32, the following new clause as 32 A shall be added:

32 A. The Board shall arrange for the redemption of debentures and loans by creating necessary sinking fund or other funds for redeeming the loans and debentures".

The amendment was negatived

Clause 32

MADAM SPEAKER.—I will put Clause 32 to the vote of the House. The question is:

"That clause 32 do stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill

Clauses 33 and 34

MADAM SPEAKER.—I will put clauses 33 and 34 to the vote of the House. The question is —

"That Clauses 33 and 34 do stand part of the Bill."

The motion was adoped.

Clauses 33 and 34 were added to the bill

Clause 35

MADAM SPEAKER.—There is an amendment by Sri Shamanna. He may move it.

SRI T. R. SHAMANNA.—I beg to move the following amendment:

"That at page 20, in sub-clause (1) after the words" "as sanctioned by the Board' the words "if the total cost of the estimate exceeds rupees two lakhs" shall be inserted."

MADAM SPEAKER.—Amendment moved:

"That at page 20, in sub-clause (1) after the words "as sanctioned by the Board" the words "if the total cost of the estimate exceeds rupees two lakhs" shall be insreted".

SRI T. R SHAMANNA:—As I have already stated a number of times, the Government has taken over power to its hand. It is rather very sad that every estimate has to be sent to the Government. If every estimate has to be sent to the Government, why on earth the Board should exist? I have stated that the Board may be given power to sanction estimates which are within 2 lakhs and if it exceeds two lakhs of rupees, the estimate may be sent to Government. Government takes its own time to sanction estimates and there will be unnecessary delay. If every estimate has to be sanctioned by the Government it would be very unfair to the Board. The Board is an autonomous body and it has to be given some powers, powers at least to sanction estimates within 2 lakhs of rupees. I think at least this amendment will be accepted.

SRI B. BASAVALINGAPPA:—I do not accept this amendment.

MADAM SPEAKER:—I will now put the amendment 42 to the vote of the House. The question is:

"That at page 20, in sub-clause (1) after the words "as sanctioned by the Board" the words "if the total cost of the estimate exceeds rupees two lakhs" shall be inserted".

The amendment was negatived

MADAM SPEAKER.—I will put the Clause to the vote of the House. The question is:

"That Clause 35 do stand part of the Bill

The motion was adopted

Clause 35 was added to the Bill

CLAUSES 36 TO 39

MADAM SPEAKER.—There are no amendments to Clauses 36 TO 39. I will put them to the vote of the House. The question is:

"That Clauses 36 to 39, both inclusive, do stand part of the Bill."

The motion was adopted

Clauses 36 to 39, both inclusive, were added to the Bill."

CLAUSE 40

MADAM SPEAKER.—As Sri M. S. Krishnan is not here to move his amendments, I will put Clause 40 to the vote of the House. The question is:

"That Clause 40 do stand part of the Bill."

The motion was adopted

Clause 40 was added to the Bill

CLAUSES 41 AND 42

MADAM SPEAKER.—I will put Clauses 41 and 42 to the vote of the House. The question is:

"That Clauses 41 and 42 do stand part of the Bill."

The motion was adopted

Clauses 41 and 42 were added to the Bill.

Clause 43

SRI T. *R.* SHAMANNA .- I move that : at page 23 at the end of the Clause the following proviso shall be added.

> "Provided that the Government while passing the order shall direct the Board and fix up the responsibility of the persons who are responsible for causing loss to the Board in that respect."

MADAM SPEAKER :—Amendment moved:

At page 23 at the end of the clause the following proviso shall be added:

> "Provided that the Government while passing the order shall direct the Board and fix up the responsibility of the persons who are responsible for causing loss to the Board in that respect."

SRI T. R. SHAMANNA .—I have seen the episode of the Sharavathi Project about which now the Government has passed orders with the result a lot of money had been paid to the contractors. In many cases favouritism has been shown and later the amount paid would be written off. Therefore I contemplate that any amount so written off or made irrecoverable should be specified and the parties conerned should be made responsible for the loss to Government. With this object, I have moved the amendment which may kindly be accepted.

SRI B. BASAVALINGAPPA .—The amendment cannot be accepted since this power of writing off any amount should be vested in Government itself when there is no chance of recovering it. The proviso is made against such contingency. Therefore I cannot accept the amendment.

MADAM SPEAKER :—Now I will put the amendment to the vote of the House.

The question is :

"That at page 23, at the end of the clause the following proviso shall be added,

"Provided that the Government while passing the order shall direct the board and fix up the responsibility of the persons who are responsible for causing loss to the Board in that respect."

The amendment was negatived

MADAM SPEAKER.—I will put the clause to the vote of the House.

The question is :

"That clause 43 do stand part of the Bill"

The motion was adopted

Clause 43 is added to the Bill

Clauses 44 to 52

MADAM SPEAKER.—There are no amendments to clauses 44 to 52. I will put them to the vote of the house.

The question is :

"That clauses 44 to 52 both inclusive, do stand part of the Bill".

The motion was adopted

Clauses 44 to 52, both inclusive, are added to the Bill.

Clause 53

MADAM SPEAKER.—There is an amendment by Sri T. R. Shamanna.

SRI T. R. SHAMANNA.—I move "R" that at page 24, the following proviso shall be added to the clause :

> "Provided that before passing such order the Government shall give notice to the Board and the Local Authority the intention of passing the order was contemplated in the above Section".

MADAM SPEAKER.—Amendment moved :

That at page 24, the following proviso shall be added to the clause :

> "Provided that before passing such order the Government shall give notice to the Board and the Local Authority the intention of passing the order as contemplated in the above Section".

†SRI T. R. SHAMANNA —The Government has taken the power whereby it can directly ask the Local Authority to take any work and execute it. But it is neeessary that a notice has to be given first and then only the Local Authority should take up the work. After getting the necessary explanation from the Local Authority, necessary order may be passed. The Government cannot pass order according to the whims and fancies which is unreasonable. Therefore, I have added this proviso saying that before passing such order the Government shall give notice to the Local Authority and then only the Government can pass an order only after getting the necessary explanation from the Local Authority.

SRI B. BASAVALINGAPPA :—I do not want to accept the amendment.

MADAM SPEAKER.—I will put the amendment to the vote of the House. The question is :

That at page 28, the following proviso shall be added to the clause.

" Provided that before passing such order the Government shall give notice to the Board and the Local Authority the intention of passing the order as contemplated in the above Section ".

The amendment was negatived

MADAM SPEAKER.—I will put the clause to the vote of the House.

The question is :

"That clause 53 do stand part of the Bill."

The motion was adopted

The clause 53 was added to the Bill

CLAUSE 54

MADAM SPEAKER.—There is no amendment to Clause 54. I will put it to the vote of the House.

The question is :

"That clause 54 do stand part of the Bill".

The motion was adopted

Clause 54 was added to the Bill

CLAUSE 55

MADAM SPEAKER.—There is an amendment by the Hon. Minister.

Sri B. BASAVALINGAPPA :—I move that—

"That in sub-section (1) of the proposed Section 55 for the words 'Government is of the opinion' the words 'Government after considering the representations, if any made by the local authority or authorities is of the opinion' shall be substituted".

MADAM SPEAKER : Amendment moved :

"That in sub-section (1) of the proposed Section 55 for the words 'Government is of the opinion' the words 'Government, after considering the representations, if any, made by, the local authority or authorities is of the opinion' shall be substituted."

Sri B. BASAVALINGAPPA : This amendment is in pursuance of the opinion expressed by the Hon. Members. Members expressed an opinion that the Local Authorities should be given an option to represent if any in regard to the dispute and then only the Government may take cognizance of the dispute and decide it themselves. This makes the Government to make it obligatory to take a decision.

MADAM SPEAKER : The question is :

"That in sub-section (1) of the proposed Section 55 for the words 'Government is of the opinion' the words 'Government after considering the representations, if any made by the local authority or authorities is of the opinion' shall be substituted."

The amendment was adopted

MADAM SPEAKER : Now I will put the clause to the vote of the House.

The question is :

"That clause 55 as amended stand part of the Bill."

The motion was adopted

Clause 55 as amended was added to the Bill

CLAUSE 56 to 62

MADAM SPEAKER : There are no amendments clause 56 to 62. I will put them to the vote of the House.

The question is :

"That clauses 56 to 62, both inclusive, do stand part of the Bill."

The motion was adopted

Clauses 56 to 62, both inclusive, were added to the Bill.

CLAUSE 63

MADAM SPEAKER : There is an amendment by Sri T. R. Shamanna.

Sri T. R. SHAMANNA : I move that at page 32, after Sub-clause (2) the following proviso shall be added :

"Provided that before the rules are to be given effect to, due publicity to be given and sufficient time given for objection and after hearing the objection, the rules to be made applicable with necessary modification."

MADAM SPEAKER : Amendment moved :

"That at page 32, after sub-clause (2) the following proviso shall be added :

"Provided that before the rules are to be given effect to, due publicity to be given and sufficient time given for objection and after hearing the object, the rules to be made applicable with necessary modification.'"

Sri T. R. SHAMANNA : Section 63 gives ample powers to the Managing Director. It reads thus :

"63. Power of Entry :—(1)The Manging Director or any person either generally or specially authorised by the Managing Director in this behalf may, with or without assistants or workmen, enter into or upon any land, in order.-

(a) to make any inspection, survey, measurement, valuation or inquiry ;

(b) to take levels ;

(c) to dig or bore into the subsoil ;

(d) to set out boundaries and intended lines of work ;

(e) to mark such levels boundaries and lines by placing marks and cutting trenches ;

(f) to place and maintain pipes, drains and other installations upon, along, across or under any land ; or

(g) to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder."

This clause gives complete power to the Mangaing Director or his nominee to enter any premises, to dig or to measure or to do anything, with regard to others property. What I have said here is, instead of giving full powers to the Managing Director, prior notice has to be given to the party concerned. What I have suggested in my amendment is :

"Provided that before the rules are to be given effect to, due publicity to be given and sufficient time given for objection and after hearing the objection, the rules to be made applicable with necessary modification."

The principles of natural justice demand that notice has to be given to the concerned persons. Without giving notice, if they enter upon any premises and do anything which they would like, that would be unfair and unreasonable. That is why I have stated that previous notice should be given before taking action. I request the hon. Minister kindly to incorporate my proviso.

SRI B. BASAVALINGAPPA :—I oppose this amendment. If this amendment is accepted, I do not think that any board can function as expeditiously as is expected. My learned friend Sri Shamanna wants that the work should be executed as expeditiously as possible and without any delay. If we follow the procedure suggested by the hon. Member, we will never get things done. Everybody would go to the court against the actions of the Managing Director and his actions would be questioned.

MADAM SPEAKER.—The question is :

"That at page 32, after sub-clause (2) the following proviso shall be added :

'Provided that before the rules are to be given effect to, due publicity to be given and sufficient time given for objection and after hearing the objection the rules to be made applicable with necessary modification.' "

The amendment was negatived

MADAM SPEAKER ;—The question is:

"That clause 63 do stand part of the Bill."

The motion was adopted

Clause 63 was added to the Bill

CLAUSE—64

MADAM SPEAKER :— There is an amendment by Sri T. R. Shamanna which may be moved.

SRI T. R. SHAMANNA :—I beg to move

"That at page 33, after sub-clause (2) the following proviso shall be added :—

"Provided that the person or institution who will be put to loss or damage by the act of the board be suitably compensated."

MADAM SPEAKER.—Amendment moved:

"That at page 33, after sub-clause (2) the following proviso shall be added :—

'Provided that the person or institution who will be put to loss or damage by the act of the board be suitably compensated.' "

SRI T. R SHAMANNA.—Clause 64 of the Bill says ; "Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this act or any rule or order or scheme made thereunder.

(2) No suit or other legal proceedings shall lie against the Government, the board or any committee thereof for any damage caused or likely to be caused by any thing

which is in good faith done or intended to be done in pursuance of this act or of any rule or order or scheme made thereunder.

ಇಲ್ಲಿ ಏನು ಮಾಡಿದ್ದಾರೆಂದರೆ, ಬೋರ್ಡಿಗೆ ಪೂರ್ತಿಯಾದಂಥ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದಾರೆ. ಯಾರದೇ ಆಸ್ತಿಯನ್ನು ಬೇಕಾದರೂ ಬೋರ್ಡಿನವರು ಡ್ಯಾಮೇಜ್ ಮಾಡಬಹುದು. ತೊಂದರೆಗೆ ಒಳಗಾದವರಿಗೆ ಯಾವುದೇ ರೀತಿಯಿಂದ ಅಧಿಕಾರ ಚಲಾಯಿಸುವುದಕ್ಕೆ ಹಕ್ಕಿಲ್ಲ ವಗೈರೆ ಕೋರ್ಟಿಗೆ ಹೋಗುವುದಕ್ಕೂ ಸಹ ಅಧಿಕಾರವಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ರೀತಿ ಸರ್ವಾಧಿಕಾರವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು ನ್ಯಾಯವಾದುದಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ. ತಮ್ಮ ಕೆಲಸವಾಗಬೇಕೆಂಬ ಕಾರಣದಿಂದ ಇನ್ನೊಬ್ಬರ ಆಸ್ತಿಯನ್ನು ಒಡೆದು ಹಾಕಿದಾಗ, ಆ ಒಂದು ನಷ್ಟವನ್ನು ಕಟ್ಟಿಕೊಡದಿದ್ದರೆ ಇದು ಎಂತಹ ರೂಲ್ಸ್, ಎಂತಹ ಆಕ್ಟ್ ಎಂಬುದನ್ನು ಪರ್ಯಾಲೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಇಲ್ಲಿ ಹೇಳುವುದು ಇಷ್ಟೆ ;—

'Provided that the person or institution who will be put to loss or damage by the Board be suitably compensated.'

If the Board does something which entails in heavy loss to the party, naturally the compensation has to be given. According to the proposed clause, the party is barred from going to any court to seek justice which I feel is not fair and equitable. I therefore plead that at least some compensation should be given for the damage caused by the Board.

SRI B. BASAVALINGAPPA.—I oppose this amendment. I do not think it needs any reply because such a provision is found in many Acts. Even in the Civil Procedure Code such provisions are made. The amendment which the Hon. member has suggested has nothing to do with this provision.

MADAM SPEAKER.—The question is:

"Provided that the person or institution who will be put to loss or damage by the act of the Board be suitably compensated."

The amendment was negatived

MADAM SPEAKER.—The question is :

" That clause 64 do stand part of the Bill."

The motion was adopted.

Clause 64 was added to the Bill.

MADAM SPEAKER.—The question is clauses 65 to 67

" That clauses 65 to 67 both inclusive do stand part of the Bill."

The motion was adopted

Clauses 65 to 67 both inclusive were added to the Bill.

CLAUSE 68

MADAM SPEAKER.—There is an amendment give notice of by the minister for municipal Administration which may be moved.

SRI B. BASAVALINGAPPA.—I beg to move :

" That at 34, in item (c) of sub-clause (2) of clause 68, the words 'term of office and the terms and " shall be omitted."

MADAM SPEAKER :—Amendment moved

" That at page 34, in item (c) of sub-clause (2) of clause 68, the words 'term of office and the terms and " shall be omitted."

SRI B. BASAVALINGAPPA.— My amendment is necessary because clauses 4 to 6 have been amended.

MADAM SPEAKER.—The question is :

"That at page 34, in item (c) of sub-clause (2) of clause 68, the words 'term of office and the terms and" shall be omitted.'

The amendment was adopted

MADAM SPEAKER.—The question is :

"That clause 68, as amended, do stand part of the Bill."

The motion was adopted

Clause 68, as amendment by Sri T. R. Shamanna

SRI T. R. SHAMANNA.—I beg to move.

"That at page 36, after sub-clause (4) the following provison shall be inserted :—

"Provided that before the regulations are made effective and enforced, due publicity to be given and sufficiant time given for objection and after hearing the objections, the regulations to be made applicable with necessary modifications."

MADAM SPEAKER :—Amendment moved :—

"That at page 36, after sub-clause (4) the following provisio shall be inserted :—

"Provided that before the regulations are made effective and enforced, due publicity to be given and

MADAM SPEAKER

sufficient time given for objection and after hearing the objections the regulations to be made applicable with necessary modifications."

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ :—ಈ ಸಭೆಯಲ್ಲಿ ಯಾವ ತಿದ್ದುಪಡಿಯನ್ನು ನಾವು ತಂದರೂ ಅದು ಅರಣ್ಯರೋದನವಾಗುತ್ತದೆಂದು ನಾನು ತಿಳಿದು ಕೊಂಡಿದ್ದೇನೆ. ಈಗ ಸರ್ಕಾರದವರು ಪೂರ್ಣವಾದಂಥ ಅಧಿಕಾರವನ್ನು ವಹಿಸಿ ಕೊಂಡು ಸ್ವೇಚ್ಛೆಯಿಂದ ಒಂದು ಸರ್ವಾಧಿಕಾರದ ರೀತಿಯಲ್ಲಿ ನಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುವಂತಹ ಒಂದು ಬಿಲ್‌ನ್ನು ತಮ್ಮ ಮುಂದೆ ಇಟ್ಟುಕೊಂಡಿರುವಾಗ, ರೂಲ್ಸ್ ರೆಗ್ಯುಲೇಷನ್ಸ್ ಮಾಡುವುದಕ್ಕೆ ಅಧಿಕಾರ ತೆಗೆದುಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ರೂಲ್ಸ್ ರೆಗ್ಯುಲೇಷನ್ಸ್ ಮಾಡುವುದಕ್ಕೆ ಪ್ರತಿಯೊಂದು ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದವರು ತಮ್ಮ ಆಧೀನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಾನು ಮೊದಲೇ ಹೇಳಿದಂತೆ, ಬೋರ್ಡ್‌ಗಳನ್ನು ರಚನೆ ಮಾಡುವುದು, ಅವು ಸರ್ಕಾರದ ಕೈಗೊಂಬೆಯಾಗಿರಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ. ಈ ರೀತಿ ಸರ್ಕಾರದ ಕೈಗೊಂಬೆಯಾಗಿದ್ದರೆ ಸ್ವೇಚ್ಛಾ ರೀತಿಯಲ್ಲಿ ಅಧಿಕಾರ ನಡೆಸಿಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ಅನುಕೂಲವಾಗುತ್ತದೆಯಾದ್ದರಿಂದ, ಆದಕ್ಕೆ ಬದಲು ಈ ರೂಲ್ಸ್ ರೆಗ್ಯುಲೇಷನ್‌ಗಳನ್ನು ಮಾಡುವಾಗ ಅದಕ್ಕೆ ತಕ್ಕ ಪಬ್ಲಿಸಿಟಿ ಕೊಟ್ಟು, ಸಾರ್ವಜನಿಕರಿಂದ ಅಬ್ಜಕ್ಷನ್ ಕರೆದು ನಂತರ ಯಾವುದು ನ್ಯಾಯವಾಗಿದೆ, ಯಾವುದು ಅನ್ಯಾಯವಾಗಿದೆ ಎಂಬುದನ್ನು ತಿಳಿದುಕೊಂಡ ಮೇಲೆ ರೂಲ್ಸನ್ನು ಜಾರಿಗೆ ತರಬೇಕು ಎಂಬ ಉದ್ದೇಶದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತೆಗೆದುಕೊಂಡು ಬಂದಿದ್ದೇನೆ. ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

3-00 P. M.

ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ :—

ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ರೂಲ್ಸ್ ಪ್ರಕಾರ ಜನರಿಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಮಾಡಬೇಕೆನ್ನುವುದೇ ಇದರ ಉದ್ದೇಶ. ಆ ಉದ್ದೇಶ ಸಾಧನೆಗೆ ಅನುಕೂಲವಾಗುವಂತೆ ಸರಕಾರ ನಿಯಮಗಳನ್ನು ಮಾಡಬೇಕಾಗಿ ಬರುತ್ತದೆ, ಮಾನ್ಯ ಸದಸ್ಯರು ಇದರ ಬಗ್ಗೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಇಟ್ಟುಕೊಳ್ಳಬಾರದು ಎಂದು ನಾನು ಅವರಲ್ಲಿ ಮನವಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ, ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಇಷ್ಟು ಹೆಚ್ಚು ತಿದ್ದುಪಡಿಗಳನ್ನು ಅವರು ತಂದುದಕ್ಕಾಗಿ ಅವರಿಗೆ ನನ್ನ ಅಭಿನಂದನೆಗಳು.

MADAM SPEAKER :—The question is :

"That at page 36, after sub-clause (4) the following proviso shall be inserted :—

"Provided that before the regulations are made effective and enforced, due publicity to be given and sufficient time given for objection and after hearing the objections, the regulations to be made applicable with necessary modifications."

The amendment was negatived

MADAM SPEAKER :—The question is :

"That Clause 69 do stand part of the Bill"

The motion was adopted

Clause 69 was added to the bill

CLAUSE 1

MADAM SPEAKER :—The question is :

"That Clause 1, the long title the Preamble and the Enacting formula do stand part of the bill."

The motion was adopted

Clause 1, long title the Preamble and the Enacting formula were added to the bill.

MOTION TO PASS

SRI B. BASAVALINGAPPA :—I beg to move :—

"That the Mysore Urban Water Supply and Drainage Board Bill, 1973, as amended, be passed."

MADAM SPEAKER :....The question is :

"That the Mysore Urban Water Supply and Drainage Board Bill, 1973, as amended, be passed."